

REMARKS

Claims 1-29 are pending in this application. In this response, Applicant has provided a Supplemental Declaration under 37 CFR 1.132 to overcome the Examiner's rejections. In light of the Declaration, Applicant submits that the Examiner's rejections have been overcome. As such, reconsideration and allowance of the pending claims is respectfully requested.

THE REJECTIONS UNDER 35 U.S.C. §§ 102 and 103

At pages 2 of the Office Action, the Examiner rejected claims 1-29 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,291,072 to Gobush ("Gobush '072"). The Examiner also rejected claims 1-29 under § 102(e) as being anticipated by U.S. Patent No. 7,086,954 to Gobush ("Gobush '954"). Claim 29 was also rejected under 35 U.S.C. § 103(a) as being obvious over Gobush '072 and '954. Finally, claims 3, 12-13, 18, and 20-21 were rejected under § 103 as being obvious over Gobush '072 and '954 in view of U.S. Patent No. 4,158,853 to Sullivan ("Sullivan").

As noted by the Examiner, Gobush '072, Gobush '954, and the present application have a common inventor. Applicant previously submitted a Declaration under 37 CFR 1.132 that attempted to confirm that the invention disclosed by Gobush '072 and Gobush '954 were derived by William Gobush, and is therefore not an invention "by another." However, the Examiner maintained the rejections because the Declaration did not establish derivation correctly. In response, Applicant submits herewith a Supplemental Declaration under 37 CFR 1.132 to perfect declaration. In light of the Supplemental Declaration, Applicant submits that the Examiner's §§ 102 and 103 rejections are overcome.

As such, reconsideration and allowance of the pending claims is respectfully requested.

CONCLUSION


All claims are believed to be in condition for allowance. If the Examiner believes that the present remarks still do not resolve all of the issues regarding patentability of the pending claims, Applicants invite the Examiner to contact the undersigned attorneys to discuss any remaining issues.

A Petition for Extension of Time is submitted herewith extending the time for response three months to and including January 20, 2010. A Request for Continued Examination (RCE),

along with the requisite fee, is also submitted herewith. No other fees are believed to be due at this time. Should any other fees be due, please charge them to Deposit Account No. 50-4545, Order No. 5222-054-US01.

Respectfully submitted,
HANIFY & KING, P.C.

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By: 
Siddhesh V. Pandit, Registration No. 58,572
HANIFY & KING, P.C.
1055 Thomas Jefferson Street, NW
Suite 400
Washington, D.C. 20007
(202) 403-2104 Telephone
(202) 429-4380 Facsimile